

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Applicants sincerely thank the Examiner for holding a telephonic interview with Applicants' representative. The Examiner's kind suggestions have been incorporated herein.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-5, 8-13 and 18-20 were pending in this application when last examined and stand rejected.

Claims 1, 8 and 9 are amended to clarify the claimed invention. Support can be found in these claims as filed. Further support can be found in the abstract and specification as filed.

Claims 13-20 are cancelled without prejudice or disclaimer thereto.

Claims 21-31 are newly added. Support can be found in claims 1-5 as filed.

No new matter has been added.

II. CLAIM OBJECTIONS

On pages 3-4 of the Office Action, claims 3, 11 and 13 were objected to. This objection is moot as these claims are cancelled without prejudice or disclaimer thereto.

III. INDEFINITENESS REJECTIONS

On pages 4-6, claims 1-5, 8-13 and 18-20 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Applicants respectfully traverse these rejections as applied to the amended claims.

Without acquiescence to the correctness of the Examiner's position, the claims have been amended to clarify the claimed invention.

With regard to claim 1, it is noted such claim has been clarified to indicate that the claimed method is a method of removing substances from a cell extract. Thus, it is unnecessary to provide steps of producing a cell extract as noted in the Office Action.

With regard to claims 9 and 10, such claims have been amended to clarify the claimed invention and therefore there is no longer an antecedent basis issue.

Finally, with regard to claims 18-20, such claims have been cancelled without acquiescence and therefore this rejection is moot.

Thus, for the above-noted reasons, this rejection is untenable and should be withdrawn.

IV. ANTICIPATION/OBVIOUSNESS REJECTION

On pages 6-8, claims 1, 10 and 20 were rejected under 35 U.S.C. § 102(b) as anticipated by Gonzalez et al. (The Journal of Biological Chemistry, 2003).

On pages 8-10, claims 1-5, 8, 9, 11-13, 18 and 19 were rejected under 35 U.S.C. § 103(a) as obvious over Madin et al. (PNAS, 2000) in view of Zacharias et al. (QIAGEN News, 2004).

Applicants respectfully traverse these rejections as applied to the remaining amended claims.

Claims 1, 8 and 9 have been clarified to more particularly indicate that the cell extract is contacted with the affinity support prior to synthesis of the protein of interest to thereby remove substances from the cell extract that bind the affinity support but do not contribute to protein synthesis. Such is not taught or suggested by the references cited in the Office Action. Thus, this rejection is untenable and should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Yoshiko YOSHIYAMA et al.

/William R.
By Schmidt, II/

Digitally signed by /William R. Schmidt,
On or ~ /William R. Schmidt, II ~WLP,
or, email -bschmidt@wendoreath.com,
c-US
Date: 2009.12.17 11:26:56 -05'00

William R. Schmidt, II
Registration No. 58,327
Attorney for Applicants

WRS/vah
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
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